

REMARKS

Reconsideration is respectfully requested. Claims 1-27 are pending. No new matter has been added. Entry of the amendment is respectfully requested.

Request For Reconsideration Regarding The Restriction Requirement Finality

Applicants respectfully traverse the alleged finality of the restriction requirement in the Action dated August 15, 2007. The alleged finality is legally improper because it was signed only by examiner Butler. Thus, the restriction requirement remains non final. Thus, reconsideration of the restriction requirement is again respectfully requested.

Patent Office rules dictate that only an examiner with partial or full signatory authority is qualified to sign a non-final Office action containing a final requirement for restriction. MPEP § 803.01. There is no evidence of record that examiner Butler is a qualified examiner. Nor is there any reason to believe that examiner Butler has achieved the skill level of primary examiner. Therefore, Applicants respectfully challenge the signing authority alleged by examiner Butler.

Applicants request that the restriction requirement be reviewed by a primary examiner. Applicants further request that any finality of the restriction requirement be signed by said reviewing primary examiner.

The Amendments

Claims 12-21 were objected to but indicated allowable if rewritten in an independent form. Claim 12 has been written in independent form, as requested by the Office. Thus, Applicants respectfully submit that claims 12-21 are now allowed.

Claim 1 has been amended to include subject matter from other claims, including claims 2, 11, 19, and 20. Claim 25 has been amended to include subject matter from other claims, including claim 27.

The Rejections

Applicants respectfully traverse the rejections. Nevertheless, claims have been amended to advance prosecution.

The Action is silent with regard to many claims as to where the recited features are specifically taught or suggested in the applied art. Thus, Applicants reserve the right to later present additional arguments in support of patentability.

The applied reference neither anticipate nor render obvious the claims. For example, claim 2 was alleged to be anticipated by Bui (US 6,386,662). However, the Action is silent as to where Bui teaches a wiper that comprises "a resilient squeegee portion". Nor can it. Nor has the Office presented evidence that all wipers are resilient. Nor can it. Bui does not anticipate the claims, especially claim 2.

For further example, claims 11 and 27 were rejected based on the teaching of Graef (US 5,534,682). The rejections rely on Graef's teaching at "c11 L 33-c12 L 25-38; 310 fig 15-19". Graef at col. 11, line 33 to col. 12, line 38 reads:

In accordance with the present invention, document processing module 12 is pivotally mounted to a support frame 500, best seen in FIGS. 4, 6, 7 as 13. As shown in FIG. 13, support frame 500 is generally U-shaped and includes a bottom wall 502 and two (2) sidewalls 504, 506 which are generally parallel to each other and spaced apart to receive the document processing module 12 therebetween. Document processing module 12 is pivotally mounted to support frame 500 by means of pins 512 extending through sidewalls 504, 506 into hubs 218 on housing 202 of bottom

module section 200. In the embodiment shown, a major portion of sidewall 504 is cut away to permit components of document processing module 12, such as the end shafts 336, 362 to extend therethrough, which is best seen in FIG. 2. As shown in FIG. 6, a gear block 522 having an arcuate rack gear 524 formed along the upper edge thereof is mounted to sidewall 504. Rack gear 524 is positioned to operatively engage a pinion gear 52 on the shaft of pivot motor 50. Adjacent gear block 522, sidewall 504 is formed to have a curved edge 532 having a plurality of notches and windows 534 formed therethrough.

Sidewall 506 of the U-shaped support frame 500 includes a plurality of apertures, designated 550a, 550b, 550c, 550d, 550e, 550f, and 550g which are arranged in an arcuate pattern, as best seen in FIG. 7. Apertures 550a, 550b, 550c, 550d, 550e, 550f and 550g are positioned to receive pin 252 of solenoid 250 so as to lock deposit processing module 12 in one of a plurality of specific positions relative to deposit storage module 14, as will be described in greater detail below.

Sidewalls 504, 506 each include locating notches 562 which are provided to locate and attach document storage module 14 to the document processing module 12.

Referring now to FIG. 20, a schematic view of the motor drive assemblies for the respective components of the document processing module 12 is shown. In FIG. 20, the transport motor 40, and pivot motor 50 and shuttle motor 60 are all schematically illustrated. According to the present invention, each motor is preferably a reversible stepping motor wherein the relative rotational position of it may be monitored, and thus the position of components driven thereby may be monitored. As indicated above, transport motor 40 is mounted to sidewall 104 of upper module section 100 with its drive shaft extending therethrough. A gear 42 is mounted to the shaft of transport motor 40 to drive a timing belt 44 which connects gear 42 to gear 332 on drive shaft 320. In this respect, transport motor 40 is operable to rotate drive shaft 320 which in turn rotates shaft 336 by means of transport belt 370. Shaft 336 in turn drives shaft 362, and roller 364 thereon, by means of timing belt 356. Thus, transport belt 370, conical rollers 344 and roller 364 are simultaneously driven in the same direction by transport motor 40.

As described above, pivot motor 50 is operable to drive pinion gear 52 across rack 524 on plate 522, which in turn is operable to cause deposit processing module 12 to pivot about axis A on pins 512 and to angularly orient deposit processing module 12 to one of the several positions 550a, 550b, 550c, 550d, 550e, 550f, 550g.

Shuttle motor 60 is provided to reciprocally move printer shuttle 70 and MICR shuttle 90 across the width of platen 310. To this end, a drum 62 is mounted on the shaft of motor 60. The ends of a cable 64 are mounted to drum 62 and wound around drum 62 to enable cable 64 to be wound or unwound in each direction depending upon the rotation of shuttle motor 60. As shown in FIG. 20, cable 64 is wrapped over a system of pulleys, designated 66 in the drawings. Pulleys 66 are positioned to define form a continuous cable circuit, portions of which are adjacent, and run parallel to, the direction of movement of printer shuttle 70 and MICR shuttle 90. Idler pulleys 66 are mounted to drive shaft 320 to direct the cable theretaround. Printer shuttle 70 and MICR shuttle 90 fixedly attached to cable 64 so as to move therewith.

Nowhere does the relied upon section of Graef teach or suggest a vessel that accepts ink passed from nozzles. Where does the relied upon section even mention "ink"? The Office has not established a *prima facie* case of obviousness. The applied references do not render the claims obvious, especially claims 1, 11, 25, and 27.

Conclusion

Applicants respectfully submit that this application is in condition for allowance. The undersigned is willing to discuss any aspect of the Application at the Office's convenience.

Respectfully submitted,



Ralph E. Jocke Reg. No. 31,029
WALKER & JOCKE
231 South Broadway
Medina, Ohio 44256
(330) 721-0000